

CHARLES CARREON, ESQ. (127139)  
 2165 S. Avenida Planeta  
 Tucson, Arizona 85710  
 Tel: 520-841-0835  
 Fax: 520-843-2083  
 Email: chas@charlescarreon.com

Attorney for Plaintiff iCall, Inc.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

ICALL, INC.,

Plaintiff,

vs.

TRIBAIR, INC., ERIC REIHER,  
 and Does 1 – 5,

Defendants.

**CV Case 12-2406**

COMPLAINT FOR INJUNCTIVE RELIEF  
 AND DAMAGES FOR TRADEMARK  
 INFRINGEMENT, TRADEMARK  
 DILUTION, AND UNFAIR COMPETITION

1. Lanham Act § 32 (15 U.S.C. hereinafter referred to as U.S.C. § 1114)
2. Lanham Act § 43 (15 U.S.C. § 1125(a))
3. Lanham Act § 43 (15 U.S.C. § 1126(c))
4. Cal. Bus. & Prof. Code § 17200, *et seq.*
5. Declaratory relief

JURY DEMAND

For its complaint against defendants Tribair, Inc. ("Tribair") and Eric Reiher ("Reiher"), jointly referred to sometimes herein as "Defendants," plaintiff iCall, Inc. ("Plaintiff"), alleges:

**JURISDICTION**

1. This is an action for infringement of a federally registered trademark pursuant to 15 USC §1114, 15 USC §1125(a), 15 USC §1125(c), 15 USC §1125(d) and unfair competition under California Business & Professions Code § 17200, *et seq.*, and violations of the California trademark law, California Business & Professions Code §§ 14245, 14320, and 14330.
2. This Court has jurisdiction over this action pursuant to: 28 USC §§ 1331 and 1338(a) and (b), and 15 USC §1121, as an action for violations of the Lanham Act, 15 USC §§ 1051, *et seq.*,

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 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

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1 28 USC § 1332(a)(1), and has pendent, supplemental and ancillary jurisdiction pursuant to 28  
2 U.S.C. § 1367 of state law claims arising from a common nucleus of operative fact under the  
3 California State Unfair Competition, Trademark Infringement, Trademark Dilution, and Trade  
4 Name Infringement Laws contained herein under the provisions of 28 USC §1338(b) in that said  
5 claims are joined with a substantial and related claim under the trademark laws of the United  
6 States, 15 USC §§ 1051, *et seq.* Further, this Court has jurisdiction under the United States  
7 Declaratory Judgment Act, 28 USC §§2201 and 2202.  
8

9 3. Venue is proper under 28 USC § 1391(d), because Defendants are aliens, to wit, Tribair is a  
10 corporation incorporated in Canada, and Reiher is a natural person and a resident of Canada;  
11 venue is further proper under 28 USC § 1391(b)(2) because the Defendants have caused injury to  
12 Plaintiff and loss of customers in this District by generating consumer confusion and the  
13 likelihood of confusion regarding Plaintiff's "iCall" Federally-registered trademark by marketing  
14 goods and services in the App Store operated by Apple, Inc. within the Northern District of  
15 California at 1 Infinite Loop, Cupertino, California 95014.  
16  
17

#### 18 INTRADISTRICT ASSIGNMENT

19 4. Pursuant to L.R. 3-2(c), intradistrict assignment of this Intellectual Property Action is made  
20 on a District-wide basis.  
21

#### 22 PARTIES

23 5. Plaintiff is a corporation incorporated in the State of Delaware, registered to do business in  
24 the State of California pursuant to Cal. Corp. Code § 2105 as Entity No. C3281083 in the State  
25 of California, doing business in the State of California. Plaintiff is additionally the assignee of  
26 the trade name rights of its predecessor in interest, the first corporation to register as a California  
27 corporation under the iCall, Inc. trade name.  
28

1 6. Defendant Tribair is a Canadian company officed at 1343 Rue des Pluviers, Longueil,  
2 Quebec, Canada J4G 2N4.

3 7. Defendant Reiher is the Chief Executive Officer of Tribair, a natural person officed at 1343  
4 Rue des Pluviers, Longueil, Quebec, Canada J4G 2N4.

5 8. This Court has personal jurisdiction over Defendants, because Defendants have caused a  
6 likelihood of confusion with Plaintiff's registered trademark, have tarnished and diluted  
7 Plaintiff's famous mark, and have caused Plaintiff to lose a substantial number of customers in  
8 the State of California and in this judicial District. Defendants have used the means and  
9 instrumentalities of interstate commerce, including but not limited to the Internet, interstate  
10 telephone communications, the mails, and other interstate communications within this judicial  
11 District, and therefore they, and each of them, have purposely availed themselves of the laws of  
12 the State of California operative within this judicial District.

13 9. The full extent of the facts linking the fictitiously named defendants Does 1 through 5 with  
14 the matters alleged herein, and/or the true names or capacities, whether individual, corporate,  
15 partnership, associate, member or otherwise of said fictitiously named defendants, are unknown  
16 to Plaintiff, who therefore sues said defendants by such fictitious names. Plaintiff is informed  
17 and believes and thereon alleges that each of the defendants designated herein as Doe 1 through  
18 5 negligently, wantonly, recklessly, tortiously and unlawfully committed the acts that  
19 proximately caused injury and damages to Plaintiff as alleged herein. Plaintiff will hereafter  
20 seek leave of court to amend this complaint to allege said defendants' true names and capacities  
21 when the same have been ascertained.

22 10. Plaintiff alleges, on information and belief, that each defendant named herein including  
23 those named as Does, is and at all relevant times mentioned was, the agent, servant,  
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28



1 co-conspirator, advertiser, and/or employee of each of the other Defendants and, in doing the  
 2 things alleged herein, was acting in the course and scope and with the knowledge of each of the  
 3 other named Defendants. Plaintiff further alleges on information and belief that each Defendant  
 4 named herein aided and abetted the others by authorizing and/or ratifying the acts herein alleged.  
 5

#### 6 **PLAINTIFF'S FEDERAL AND CALIFORNIA RIGHTS**

7 11. Complainant has the following exclusive rights respecting the iCall mark and name:

- 8 a. To offer goods and services in interstate and international  
 9 commerce using the iCall® mark in International Class 38 for  
 10 telephone communication services, including aural and optical  
 11 information transmission. (Exhibit 1, USPTO Registration No.  
 12 2,194,066, issued 10/6/1998, first use in commerce 4/1/1996.)<sup>1</sup>
- 13 b. To use ICALL.COM, and all second-level confusingly-  
 14 similar domain names, on the Internet based on first registration of  
 15 the ICALL.COM domain and use in commerce of the iCall® mark.  
 16 (Exhibit 2, page 1.)<sup>2</sup>
- 17 c. To offer "Telecommunications Services, Carrier Services,  
 18 and Mobile Platforms" in the State of California using iCall  
 19 Registered Service Mark 66916. (Exhibit 3.)<sup>3</sup>
- 20 d. To use iCall as a California trade name. (Exhibit 4.)<sup>4</sup>

#### 21 **iCall's Sixteen Years of Use In Interstate Commerce**

22 12. With first use in commerce commencing March 1, 1996, iCall and its predecessors in  
 23 interest have used the iCall® mark in commerce for over sixteen (16) years to identify its  
 24 services and distinguish them from those made and sold by others, prominently displaying the  
 25

26 <sup>1</sup> The Lanham Trademark Act, 15 U.S.C. § 1114.

27 <sup>2</sup> The Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d).

28 <sup>3</sup> Cal. Business & Profession Code § 14247.

<sup>4</sup> Cal. Business & Professions Code § 14415.

1 iCall® mark and iCall, Inc. trade name on the products themselves, by hosting advertisements,  
2 displays, and other materials associated therewith at the iCall.Com website, and in the Apple  
3 App Store. The App Store page devoted to the iCall VoIP App is attached as Exhibit 5. Plaintiff  
4 has invested approximately \$4,000,000 in the development and marketing of the iCall®  
5 software.  
6

7 13. Plaintiff's primary product and service is the provision of free and low-cost long-distance  
8 telephone communication using a Voice-over Internet protocol ("VoIP") calling platform that  
9 operates on desktop computers and mobile devices like the Apple iPhone and the iPod Touch.  
10 iCall® VoIP includes proprietary functions driven by unique patented software.  
11

12 **Plaintiff's Mark Is Famous Within The Internet VoIP Market**

13 14. iCall® VoIP has become popular because of its efficacy and user-friendliness. To use  
14 VoIP, a consumer must have either a computer with an Internet connection, or a handheld device  
15 that has Internet access through a wireless network; therefore, virtually the entire market for  
16 VoIP is contained within the Internet, and is exclusively comprised of Internet users. iCall®  
17 VoIP provides very substantial cost-savings to Internet users, who can make voice calls around  
18 the world using their unlimited Internet access accounts, for which they usually pay a fixed  
19 monthly fee, instead of incurring costly per-minute charges and over-plan-limit fees using their  
20 wireless accounts. iCall® VoIP thus provides measureable cost-savings to both businesses and  
21 individuals, increasing consumer access to voice communications at decreased expense, and  
22 fulfilling the promise of the Internet to facilitate worldwide connectivity. Plaintiff has been a  
23 leader in VoIP for both individuals and companies, and offers wholesale VoIP solutions for  
24 business through iCall® Carrier Services.  
25  
26  
27  
28

1 15. iCall® VoIP service is particularly valuable for persons and businesses making long  
2 distance and international telephone calls over cellular “smartphones” that incur high toll-  
3 charges through the established system of wireless telephone service providers, but can avoid  
4 these unnecessary costs by using their Internet access to take advantage of iCall® VoIP.  
5

6 16. Plaintiff has used the iCall.Com domain and the iCall® mark exclusively for development,  
7 distribution and marketing of telephone and VoIP services, wherefore Plaintiff’s iCall® mark has  
8 acquired public acceptance and an associated secondary meaning in the mind of the consuming  
9 public that connects the iCall® mark with Plaintiff’s VoIP service, thereby creating goodwill that  
10 inures to Plaintiff’s benefit.  
11

12 17. The iCall® VoIP software has been downloaded over fifteen-million (15,000,000) times,  
13 and the iCall® VoIP private network has grown to where it now carries over 1 billion minutes of  
14 voice traffic per month to destinations around the globe. The www.iCall.Com website enjoys  
15 consistently high traffic rankings on third-party Internet traffic monitors such as Alexa.com, and  
16 the largest volume of Internet visitors arrive at the www.iCall.Com website either by typing in  
17 the iCall.Com domain name directly into their Internet browser address bar, or by typing the  
18 “icall” phrase into a search engine like Google, Yahoo, or Bing. Such consumer identification of  
19 the iCall® mark indicates that the iCall® mark, the iCall.Com domain, and the iCall, Inc. trade  
20 name have attained a strong secondary meaning in the mind of the VoIP-consuming public.  
21  
22

23 **Plaintiff’s iCall® Mark Is Famous in The Mobile App Market for VoIP**

24 18. Plaintiff provides a specialized iCall® App for iPhone and iPod users. Apple, Inc., the sole  
25 source of the iPhone, requires all iPhone App providers to utilize specific developer tools and to  
26 submit their Apps for approval before they can be offered for sale through the iPhone App Store.  
27 In March 2009, Apple, Inc. approved the iCall® iPhone App for distribution through the iPhone  
28



1 App Store. Because iPhone Apps can also be “played” on the iPod Touch music player, and the  
 2 iPod Touch has wireless capabilities, the iCall® software allows iPod Touch owners to make  
 3 long-distance and international calls whenever they are in a standard Internet wireless access  
 4 zone, such as those commonly found in coffee-houses (“wireless hot spots”) thus turning a  
 5 simple media device into a vehicle for unlimited international phone-calling. iCall® software is  
 6 completely unique in providing VoIP to users of the iPod Touch. Consumers may download the  
 7 iCall® App for free, and upgrade to a higher level of service for \$9.95 per month.  
 8

9 19. Third-party media outlets have lauded the iCall® App, including the influential  
 10 ModMyi.com blog, that described the iCall® iPhone App as “the next step in VoIP technology  
 11 as a whole.”<sup>5</sup> Plaintiff continued to blaze a trail that brought it national press when it became the  
 12 first iPhone VoIP App to offer free VoIP calls on the AT&T mobile network, which garnered  
 13 Plaintiff’s iCall® iPhone App the designation of “App of the Week” on February 2, 2010, in the  
 14 “Gadgetwise” column in the Personal Tech section of the New York Times Business page.<sup>6</sup> One  
 15 week later, on February 10, 2010, the New York Times published a second article that  
 16 highlighted Plaintiff’s iCall® iPhone App, entitled “Better Calling For Less, By Skipping the  
 17 Cell Network.”<sup>7</sup>  
 18

19 20. Plaintiff’s iCall® mark has attained fame as a uniquely-identifiable VoIP provider among  
 20 personal and business consumers in the Internet App market for VoIP.  
 21  
 22

23 ///

24 ///

25 ///

26  
 27 <sup>5</sup> <<http://modmyi.com/forums/iphone-news/316841-icall-first-voip-appstore-app.html>>

28 <sup>6</sup> <http://gadgetwise.blogs.nytimes.com/2010/02/02/we-have-all-long-known-how-t/>

<sup>7</sup> <http://www.nytimes.com/2010/02/11/technology/personaltech/11smart.html>

**Defendant Tribair Is Using the WiCall Mark In the App Store And Elsewhere  
In A Manner Likely to Cause, and Causing, Consumer Confusion, Mistake, and Deception**

21. Defendants, without Plaintiff's consent, are using the nearly-identical "WiCall" mark to market a competing VoIP App in the Apple App Store, where it appears side-by-side with the iCall VoIP App when a search is made for the text-string "icall" in the App Store search box, as depicted in Exhibit 6. Defendants have proliferated the infringing "WiCall" mark elsewhere on the Internet, as depicted in Exhibit 7, partial results for a Google search of "wicall app".

22. Plaintiff discovered Defendant's infringement of the iCall® mark on or about March 16, 2012, and promptly made demand upon Defendant to cease the infringing use.

23. Defendant's have refused to cease use of the infringing "WiCall" mark.

24. Defendants offer competing VoIP services within the same market channel as Plaintiff. Defendant's intention in adopting the "WiCall" mark was to create an inherently confusing mark to usurp the goodwill and secondary association of the iCall® with Plaintiff's VoIP service, and in order to attract, confuse, mislead, and deceive the large number of Internet users searching for "icall" using Google, Yahoo!, Bing, or other search engines.

25. Defendants have used the "WiCall" mark in the United States, on the Internet, and in other channels of communication that reach all fifty (50) states within the United States.

26. Defendants' usurpation of plaintiff's iCall® mark by incorporating it bodily into the "WiCall" mark is entirely without permission or authority of Plaintiff.

27. Defendants' "WiCall" mark is confusingly similar to plaintiff's federally registered iCall® mark in sight, sound, and meaning.



1 28. Defendants have maximized the similarity in sight by copying the typeface and typography  
2 of "iCall," i.e., by using a sans-serif font with a lower-case "i" and capital "C," both when  
3 utilizing the iCall® mark singly and in the "WiCall" mark.  
4

5 29. Defendants' usurpation of the iCall® mark to promote substantially similar VoIP services in  
6 Internet commerce leads to the likelihood of confusion.

7 30. Defendants' use of "WiCall" as a mark wholly incorporating the iCall® mark is likely to  
8 cause and has caused confusion with plaintiff's federally registered and incontestable iCall®  
9 mark and trade name because the two marks are (1) similar in sight, sound and meaning, (2) used  
10 to promote substantially similar goods and services, (3) are advertised and promoted to the same  
11 classes of consumers on the Internet, and (4) are advertised and promoted in the same channels  
12 of trade. Such similarities are likely to cause and have caused confusion as to origin,  
13 sponsorships, source, or affiliation.  
14

15 31. Defendants' use of the iCall® mark singly and within the "WiCall" mark has diluted and  
16 tarnished the unique character of the iCall® mark in the market for VoIP products and services.  
17

18 32. On March 20, 2012, after receiving actual notice from Plaintiff that the "WiCall" mark is  
19 infringing, Defendants submitted fraudulent trademark application Serial Number 85574570 to  
20 the United States Patent and Trademark Office in International Class 038, falsely averring  
21 therein that "to the best of his/her knowledge and belief no other person, firm, corporation, or  
22 association has the right to use the mark in commerce, either in the identical form thereof or in  
23 such near resemblance thereto as to be likely, when used on or in connection with the  
24 goods/services of such other person, to cause confusion, or to cause mistake, or to deceive..." A  
25 true copy of the said fraudulent application is attached hereto as Exhibit 8.  
26  
27

28 ///

**FIRST CLAIM FOR RELIEF**  
**Infringement of a Registered Trademark in Violation of**  
**Section 32 of the Lanham Act, 15 USC § 1114**  
**Against All Defendants**

33. Plaintiff re-alleges and incorporates by reference each and every allegation set forth herein as if set forth in full hereat.

34. As alleged above, Plaintiff owns a federal trademark registration for and is the senior user of the incontestable iCall® mark. Plaintiff has successfully protected its exclusive use of the mark against all other businesses in the telephone and telecommunications business that have attempted to utilize the mark. Plaintiff is the sole lawful user of the mark in the telecommunications field including all forms of telephonic audio and video transmission.

35. Defendants commenced use of the iCall® mark singly and by incorporating it into the inherently confusing "WiCall" mark in 2012, long after Plaintiff's first date of use in commerce in 1996.

36. Plaintiff has not consented to Defendants' use of the iCall® mark expressly or by implication.

37. Defendants have constructive notice of the plaintiff's rights in its federally registered and incontestable iCall® mark.

38. Defendants have been on actual notice of Plaintiff's rights as alleged herein since no later than March 16, 2012.

39. Defendants' usurpation of Plaintiff's iCall® mark by incorporating it into the inherently confusing "WiCall" mark in connection with the advertising, distributing, offering for sale and selling of VoIP and long distance calling services in interstate commerce similar or related to those offered by Plaintiff constitutes use in commerce of the iCall® mark in a manner likely to

1 cause, and causing, actual confusion, mistake and deception among consumers. Such use  
2 therefore infringes upon Plaintiff's rights in its registered, incontestable iCall® mark.

3  
4 40. Plaintiff has been damaged by Defendants' trademark infringement by reason of the  
5 likelihood that customers and potential customers have been confused as to the source or  
6 affiliation, sponsorship or approval of Defendants's goods and the relationship of such goods to  
7 Plaintiff. Such confusion takes different forms with different consumers, and however such  
8 confusion takes effect, it leads to mistaken associations between Plaintiff's products and services  
9 and those provided by Defendants, which causes damage and irreparable harm to Plaintiff.

10  
11 41. Defendants have profited from the actions of trademark infringement alleged herein.

12 42. By reason of defendants' actions alleged herein plaintiff is likely to suffer irreparable injury  
13 to its business, goodwill and property. Plaintiff is entitled, pursuant to 15 USC § 1117, to  
14 recover from Defendants the damages they have sustained and will sustain as a result of  
15 Defendants' wrongful conduct as alleged herein. Plaintiff is further entitled to recover from  
16 Defendants' gains, profits and advantages that Defendants have obtained as a result of the  
17 wrongful conduct alleged herein. Plaintiff, at present is unable to ascertain the full extent of its  
18 damages, or the gains, profits and advantages that Defendants have obtained by reason of their  
19 wrongful conduct, the full amount thereof to be proven at trial.

20  
21 43. Defendants' acts of infringement have been willful and taken without regard to the  
22 established rights of Plaintiff.

23  
24 44. Plaintiff is entitled pursuant to USC § 1116, to an injunction restraining defendants, their  
25 officers, agents and employees, and all persons acting in concert with them, from engaging in  
26 any further acts of infringement in violation of the Lanham Act.  
27  
28



1 45. Plaintiff has no adequate remedy at law. Unless defendants are enjoined from committing  
2 these unlawful acts as set forth above, plaintiff will continue to suffer irreparable harm.

3 46. This is an exceptional case; wherefore Plaintiff is entitled to an award of its reasonable  
4 attorney's fees incurred in the prosecution of this action, pursuant to 15 U.S.C. § 1117.  
5

6 **SECOND CLAIM FOR RELIEF**  
7 **Use Of A False Designation In Violation Of Section 43(a)**  
8 **of the Lanham Act, 15 U.S.C. § 1125(a)**  
9 **Against All Defendants**

10 47. Plaintiff re-alleges and incorporates by reference each and every allegations set forth herein  
11 as if set forth in full hereat.

12 48. The iCall® mark is a distinctive mark, uniquely associated with Plaintiff, that identifies  
13 Plaintiff as the sole, true and legitimate source of iCall® VoIP products and services.

14 49. Defendants have caused their VoIP and long-distance products and services similar to, and  
15 in the perception of Internet consumers virtually indistinguishable from those of Plaintiff, to  
16 enter into interstate commerce in connection with the iCall® mark and the "WiCall" designation.  
17 Defendants' unconsented and unlawful use of the iCall® mark and the "WiCall" mark to market  
18 their VoIP and long-distance products and services are false designations of origin, that have  
19 actually caused confusion and mistake among consumers, have deceived consumers as to the  
20 affiliation, connection, or association of Defendants with Plaintiff, or alternatively and  
21 conjunctively, have confused, caused mistake among, and deceived consumers as to the  
22 affiliation, connection or association of Plaintiff with Defendants. Such false designations have  
23 also caused confusion as to the origin, sponsorship, or approval of goods and/or services of  
24 Plaintiff, and are likely to cause such confusion, mistake and/or deception among consumers in  
25 the future.  
26

27 50. By reason of Defendants' actions alleged herein, Plaintiff is likely to suffer and has suffered  
28 irreparable injury to its business, good will and property.

1 51. Defendants have profited from their actions of trademark infringement alleged herein.

2 52. By reason of Defendants' actions alleged herein, Plaintiff is likely to suffer irreparable  
3 injury to its business, good will and property. Plaintiff is entitled, pursuant 15 U.S.C. § 1117, to  
4 recover from Defendants the damages they have sustained and will sustain as a result of  
5 Defendants' wrongful conduct as alleged herein. Plaintiff is further entitled to recover from  
6 Defendants the gains, profits and advantages that Defendants have obtained as a result of the  
7 wrongful conduct alleged herein. Plaintiff is presently unable to ascertain the full extent of its  
8 damages, or the gains, profits and advantages that Defendants have obtained by reason of the  
9 wrongful conduct described herein.  
10

11  
12 53. On information and belief, Defendants' acts of infringement have been willful and taken  
13 without regard to the established rights of the Plaintiff.

14 54. Plaintiff is entitled pursuant to 15 U.S.C. § 1116, to an injunction restraining Defendants,  
15 their officers, agents and employees, and all persons acting in concert with them, from engaging  
16 in any further such acts of infringement in violation of the Lanham Act.  
17

18 55. Plaintiff has no adequate remedy at law. Unless Defendants are enjoined from committing  
19 these unlawful acts as set forth above, Plaintiff will continue to suffer irreparable harm.

20 56. This is an exceptional case; wherefore Plaintiff is entitled to an award of its reasonable  
21 attorney's fees incurred in the prosecution of this action, pursuant to 15 U.S.C. § 1117.  
22

23 **THIRD CLAIM FOR RELIEF**  
24 **Dilution Of A Famous Mark In Violation Of Section 43**  
25 **of the Lanham Act, 15 U.S.C. § 1126(c)**  
26 **Against All Defendants**

27 57. Plaintiff realleges and incorporates herein all allegations set forth herein as if set forth fully  
28 hereat.

58. Plaintiff's federally registered incontestable iCall® mark is distinctive and famous as one of  
the premier names in the VoIP App marketplace.

1 59. Defendants first commenced usurping the iCall® mark and using the “WiCall” mark and  
2 trade name in 2012, by which time Plaintiff had used its iCall® mark as a source identifier in the  
3 Apple App Store for three (3) years, and attained fame within the VoIP App market. Defendants  
4 have used the “WiCall” mark since Plaintiff’s iCall® mark attained fame within the VoIP App  
5 market.  
6

7 60. Defendants are usurping the iCall® mark and using the “WiCall” mark to market products  
8 and services that, to the Internet consumer, are virtually indistinguishable from those offered by  
9 Plaintiff.  
10

11 61. Defendants’ usurpation of the iCall® mark results in their use of a mark nearly-identical in  
12 sight, sound, and meaning to Plaintiffs’ iCall® mark, therefore blurring the distinctiveness and  
13 consumer recognition of Plaintiffs’ mark as a unique identifier in commerce.  
14

15 62. Defendants’ use of the inherently confusing “WiCall” mark and trade name results in their  
16 use of a mark confusingly similar in sight, sound, and meaning to Plaintiffs’ iCall® mark,  
17 therefore blurring the distinctiveness and consumer recognition of Plaintiffs’ mark as a unique  
18 identifier in commerce.  
19

20 63. Accordingly, by the acts alleged above, Defendants have diluted and tarnished the  
21 distinctive qualities of Plaintiffs’ iCall® mark in violation of 15 U.S.C. § 1125(c).  
22

23 64. Upon information and belief, Defendants have profited from their actions of trademark  
24 infringement alleged herein.  
25

26 65. By reason of Defendants’ actions alleged herein, Plaintiff is likely to suffer irreparable  
27 injury to its business, good will and property. Plaintiff is entitled, pursuant to 15 U.S.C. § 1117,  
28 to recover from Defendants the damages it has sustained and will sustain as a result of  
Defendants’ wrongful conduct as alleged herein. Plaintiff is further entitled to recover from



1 Defendants the gains, profits and advantages that Defendants have obtained as a result of the  
2 wrongful conduct alleged herein. Plaintiff is presently unable to ascertain the full extent of its  
3 damages, or the gains, profits and advantages that Defendants have obtained by reason of the  
4 wrongful conduct described herein.  
5

6 66. Defendants' acts of infringement have been willful and taken without regard to the  
7 established rights of Plaintiff.

8 67. Plaintiff is entitled pursuant to 15 U.S.C. § 1116, to an injunction restraining Defendants,  
9 their officers, agents and employees and all persons acting in concert with them, from engaging  
10 in any further such acts of infringement in violation of the Lanham Act.  
11

12 68. Plaintiff has no adequate remedy of law. Unless Defendants are enjoined from committing  
13 those unlawful acts as set forth above, Plaintiff will continue to suffer irreparable harm.

14 69. This is an exceptional case; wherefore Plaintiff is entitled to an award of its reasonable  
15 attorney's fees incurred in the prosecution of this action, pursuant to 15 U.S.C. § 1117.  
16

17 **FOURTH CLAIM FOR RELIEF**  
18 **Unfair Competition In Violation of**  
19 **Cal. Bus. & Prof. Code § 17200, Et. Seq.**  
20 **Against All Defendants**

21 70. Plaintiff realleges and incorporates by reference herein each and every allegation set forth  
22 herein as if set forth fully hereat

23 71. Defendants are all "persons" within the meaning of California's Business and Professions  
24 Code § 17201.

25 72. As a result of the continued advertising, promotion, offering for sale, and sales of VoIP and  
26 telephone services by plaintiff for over sixteen (16) years under the iCall® mark, said mark has  
27 developed a secondary meaning among purchasers in Plaintiff's and Defendants's trade area, and  
28 is a distinctive trademark.

1 73. iCall® has come to indicate to such purchasers that Plaintiff's VoIP and related products  
2 originate only with Plaintiff.

3 74. Defendants' use of the iCall® mark by bodily incorporating it in the "WiCall" mark is likely  
4 to cause, and on information and belief, has actually caused consumer confusion, mistake and  
5 deception regarding the source of the goods and services offered and sold by Defendants in  
6 interstate commerce.

7 75. Defendants' usurpation and use of the iCall® mark by bodily incorporating it in the  
8 "WiCall" mark to offer and sell VoIP, long-distance, and related products and services, just as  
9 Plaintiff has done for sixteen years prior, constitutes unfair competition and unfair business  
10 practices through the infringement of Plaintiffs' preexisting rights in the iCall® mark.

11 76. Defendants have infringed Plaintiffs' iCall® mark as alleged herein with the intent to  
12 deceive the public into believing that goods and services advertised by Defendants are made by,  
13 approved by, sponsored by, or affiliated with Plaintiff, and/or to oppress Plaintiff; alternatively  
14 and conjunctively, Defendants have engaged in such conduct with the intent to deceive the  
15 public into believing that goods and services advertised by Plaintiffs are made by, approved by,  
16 sponsored by, or affiliated with Defendant, and/or to oppress Plaintiff.

17 77. Plaintiff has been and continues to be damaged by Defendants' acts of unfair competition  
18 and unfair business practices.

19 78. Accordingly Defendants' conduct constitutes unfair competition and an unfair business  
20 practice under California Business and Professions Code § 17200 et seq. as an infringement of  
21 Plaintiffs' rights. Plaintiff is entitled to injunctive relief ordering Defendants to cease such  
22 unlawful business practices and unfair competition pursuant to California Business and  
23 Profession Code § 17203.  
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79. Pursuant to California Business and Professions Code § 17200 et seq., Plaintiff is entitled to an award restoring to Plaintiff any monies or profits that Defendants have wrongfully acquired or caused to be lost as a result of their violations, as will be established by proof at trial.

80. Defendants have acted intentionally and despicably with oppression, fraud and malice toward Plaintiff, with the intention of annoying and injuring Plaintiff and damaging Plaintiff's lawful business. Plaintiff, therefore is entitled to an award of punitive damages for the sake of example and by way of punishing Defendants pursuant to California Civil Code § 3294.

**FIFTH CLAIM FOR RELIEF**  
**Declaratory Relief Pursuant To**  
**28 U.S.C. §§ 2201 and 2002**  
**Against All Defendants**

81. Plaintiff realleges and incorporates herein by reference each and every allegation set forth herein as if set forth fully hereat.

82. An actual controversy now exists between Plaintiff and Defendants concerning:

(a) Plaintiff's rights to exclusive use of the iCall® trademark, the California Service Mark, and the iCall, Inc. trade name, and to bar the Defendants' from using any marks, designations of origin, trade names, that are confusingly similar to, or colorable imitations of, the said trademark, service mark, and trade name;

(b) The invalidity of Defendant's fraudulent trademark application Serial Number 85574570 now pending with the United States Patent and Trademark Office;



(d) Plaintiff's rights to obtain an accounting and disgorgement of all monies, accounts receivable, and purchase orders related to the sale of goods and services using the "WiCall" mark;

(e) The liability of Defendants for trademark infringement, false designation of origin, trademark dilution, and unfair competition under the Lanham Act;

(f) The liability of Defendants for trademark infringement, false designation of origin, trademark dilution, and unfair competition, under California and/or common law;

(f) Whether Defendants are barred by equitable doctrines including laches, unclean hands, waiver and estoppel, from asserting any rights to exploit colorable imitations of Plaintiff's mark.

83. Plaintiff is unable to use its trademarks effectively without actual and likely confusion in the marketplace until a judicial determination of the foregoing disputed issues is obtained.

84. Wherefore, pursuant to 28 U.S.C. §§ 2201 and 2202, Plaintiff seeks a declaration of the rights and duties of the parties.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests entry of judgment in its favor and against Defendants as follows:

A. A permanent injunction prohibiting Defendants from:

1           1.     Using the iCall® mark alone or in combination with other words, symbols or  
2 designs including in any manner in connection with telephone service, long distance service, or  
3 VoIP products and services;

4  
5           2.     Using the mark "WiCall" as the name of designation of origin of any product or  
6 service, alone or in combination with other words, symbols or designs in connection with  
7 telephone service, long distance service, or VoIP products and services;

8  
9           3.     Using any representations of fact in connection with its products which are likely  
10 to cause confusion, or to cause a mistake or to deceive as to the affiliation, connection or  
11 association of Defendants and Plaintiff, or as to the origin, sponsorship or approval of  
12 Defendants' products by Plaintiff;

13           4.     Using any colorable imitation of California Registered Service Mark 66916 to  
14 label, identify, promote, advertise, sell, or offer any products or services within the State of  
15 California;

16  
17           5.     Prosecuting Defendant's fraudulent trademark application Serial Number  
18 85574570, now pending with the United States Patent and Trademark Office;

19           6.     Prosecuting any other trademark applications that may have the effect of clouding  
20 Plaintiff's exclusive rights to the use of the iCall® mark and California Registered Service Mark  
21 66916;

22  
23 B.     An award of actual damages suffered by Plaintiff in such amount as shall be established  
24 by proof;

25 C.     An accounting and disgorgement of Defendants' profits from the sale of goods and  
26 services made in any manner resulting from the Defendants' use of the "WiCall" mark, under 15  
27 U.S.C. § 1117, in such amount as shall be established by proof;  
28

1 D. An accounting and disgorgement of any monies or profits that Defendants have  
2 wrongfully acquired or caused to be lost as a result of their violations of the California Business  
3 and Professions Code §§ 17200 et. seq., 14320, 14330, and 14415, in such amount as shall be  
4 established by proof;  
5

6 E. A finding that the infringements by Defendants were willful, and/or that Plaintiff's  
7 recovery is inadequate based on Defendants' profits; wherefore treble damages are warranted  
8 pursuant to 15 U.S.C. § 1117(a);  
9

10 F. A finding that this is an exceptional case, and that an award to Plaintiff of its full costs  
11 and reasonable attorney's fees is therefore warranted pursuant to 15 U.S.C § 1117;

12 G. An order pursuant to 15 U.S.C. § 1116(a), requiring Defendants to file with the Court and  
13 serve on Plaintiff within thirty (30) days after service of an injunction order as requested herein,  
14 a report in writing under oath setting forth in detail the manner and form in which they have  
15 complied with the Court's Order;  
16

17 H. Punitive damages pursuant to California Civil Code § 3294;

18 I. Pre-judgment interest, costs, expenses and reasonable attorney's fees for this suit;

19 J. Such other and further relief that this Court may deem just and proper.  
20

21 Dated: May 10, 2012

CHARLES CARREON, ESQ.

Charles  
Carreon  
2012.05.10  
20:23:52 -07'00'

22  
23 By:   
24 CHARLES CARREON (127139)  
25 Attorney for Plaintiff ICall, Inc.  
26  
27  
28



**JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a jury trial.

Dated: May 10, 2012

CHARLES CARREON, ESQ.

Charles Carreon

2012.05.10

20:24:17 -07'00'

By:   
CHARLES CARREON (127139)  
Attorney for Plaintiff ICall, Inc.



# Exhibit 1



**Int. Cl.: 38**

**Prior U.S. Cls.: 100, 101, and 104**

**Reg. No. 2,194,066**

**United States Patent and Trademark Office**

**Registered Oct. 6, 1998**

**SERVICE MARK  
PRINCIPAL REGISTER**

**ICALL**

**WYATT WILLIAMS AND JOEL LIBOVE PART-  
NERSHIP, THE (PARTNERSHIP) , DBA  
ICALL,  
15005 BEACON RIDGE #200  
SENECA, SC 29678**

**CAL INFORMATION TRANSMISSION, IN  
CLASS 38 (U.S. CLS. 100, 101 AND 104).  
FIRST USE 4-1-1996; IN COMMERCE  
11-19-1997.**

**SN 75-098,581, FILED 5-3-1996.**

**FOR: TELEPHONE COMMUNICATION  
SERVICES, INCLUDING AURAL AND OPTI-**

**HENRY S. ZAK, EXAMINING ATTORNEY**

Side - 1

<b>NOTICE OF ACKNOWLEDGEMENT OF §15 DECLARATION MAILING DATE: Jan 26, 2010</b>	
<p>The affidavit of incontestability filed in connection with the registration identified below meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. The affidavit is acknowledged. For further information about this notice, visit our website at: <a href="http://www.uspto.gov">http://www.uspto.gov</a>. To review information regarding the referenced registration, go to <a href="http://tarr.uspto.gov/">http://tarr.uspto.gov/</a>.</p>	
<b>REG NUMBER:</b>	<b>2194066</b>
<b>MARK:</b>	<b>ICALL</b>
<b>OWNER:</b>	<b>GILBERT, ARLO C, MR.</b>

Side - 2

<b>UNITED STATES PATENT AND TRADEMARK OFFICE COMMISSIONER FOR TRADEMARKS P.O. BOX 1451 ALEXANDRIA, VA 22313-1451</b>	<b>FIRST-CLASS MAIL U.S POSTAGE PAID</b>
<p>Charles Carreon Online Media Law, PLLC 2165 S. Avenida Planeta Tucson, AZ 85710</p>	





# Exhibit 2

**Domain:** [icall.com](http://icall.com) - Whois History

**Cache Date:** 2002-11-11

**Registrar:** G.K. GROUP, L.L.C.

**Server:** whois.gkg.net

**Created:**

**Updated:**

**Expires:**

**Reverse Whois:** Click on an email address we found in this whois record to see which other domains the registrant is associated with  
[43892@whois.gkg.net](mailto:43892@whois.gkg.net)

**Registrant:**

None  
 Mackel John  
 444 S. Figueroa St.  
 Suite 1675  
 Los Angeles, CA 90071  
 US  
 (310) 849-9356  
[43892@whois.gkg.net](mailto:43892@whois.gkg.net)

**Administrative Contact:**

None  
 Mackel John  
 444 S. Figueroa St.  
 Suite 1675  
 Los Angeles, CA 90071  
 US  
 (310) 849-9356  
[43892@whois.gkg.net](mailto:43892@whois.gkg.net)

**Technical Contact:**

None  
 Mackel John  
 444 S. Figueroa St.  
 Suite 1675  
 Los Angeles, CA 90071  
 US  
 (310) 849-9356  
[43892@whois.gkg.net](mailto:43892@whois.gkg.net)

**Billing Contact**

None  
 Mackel John  
 444 S. Figueroa St.  
 Suite 1675  
 Los Angeles, CA 90071  
 US  
 (310) 849-9356  
[43892@whois.gkg.net](mailto:43892@whois.gkg.net)

Registrar..: gkg.net (<http://register.gkg.net/>)  
 Domain Name: ICALL.COM  
 Created on.....: 25-NOV-1996  
 Expires on.....: 15-JAN-2004  
 Record last updated on..: 01-SEP-2002

Domain servers in listed order:

NS1.FORMNEX.NET	208.179.252.224
NS2.FORMNEX.NET	208.179.252.241





# Exhibit 3

**State of California  
Secretary of State**

**CERTIFICATE OF REGISTRATION OF SERVICE MARK**

**I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:**

Service Mark Reg. No.:	66916
Name of Registrant:	iCall, Inc.
Business Address:	41 West Putnam Ave., Greenwich, CT 06930
State of Incorporation/ Organization:	Delaware
Date First Used in California:	March 3, 1999
Date First Used Anywhere:	April 1, 1996
Description of Service Mark:	iCall
Description of Services with which the Service Mark is Used:	Telecommunications Services; Carrier Services; Mobile Platforms
Class Number(s):	38
Date of Registration:	November 9, 2010
Term of Registration Extends to and Includes:	November 9, 2015

In accordance with the application filed in this office, the Service Mark described above has been duly registered. A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached.

IN WITNESS WHEREOF, I execute  
this certificate and affix the Great  
Seal of the State of California this  
30th day of November 2010



*Debra Bowen*

**DEBRA BOWEN**  
Secretary of State

00066916

# iCall





# Exhibit 4

**Business Entities (BE)****Online Services**

- Business Search
- Disclosure Search
- E-File Statements
- Processing Times

**Main Page****Service Options****Name Availability****Forms, Samples & Fees****Annual/Biennial****Statements****Filing Tips****Information Requests**

(certificates, copies &amp; status reports)

**Service of Process****Business Entity Detail**

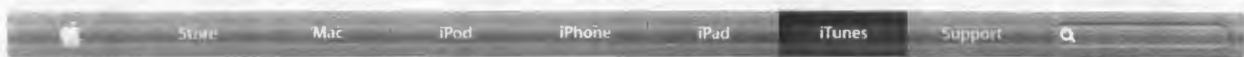
Data is updated weekly and is current as of Friday, April 13, 2012. It is not a complete or certified record of the entity.

<b>Entity Name:</b>	ICALL, INC
<b>Entity Number:</b>	C2156652
<b>Date Filed:</b>	03/10/1999
<b>Status:</b>	MERGED OUT
<b>Jurisdiction:</b>	CALIFORNIA
<b>Entity Address:</b>	** 811 WILSHIRE BLVD STE 1650
<b>Entity City, State, Zip:</b>	LOS ANGELES CA 90017
<b>Agent for Service of Process:</b>	** RESIGNED ON 10/22/2001
<b>Agent Address:</b>	*
<b>Agent City, State, Zip:</b>	*





# Exhibit 5



## iTunes Preview

[What's New](#)
[What is iTunes](#)
[What's on iTunes](#)
[iTunes Charts](#)
[How To](#)

### iCall Free VoIP

By iCall, Inc.

Open iTunes to buy and download apps

[View More By This Developer](#)

[View in iTunes](#)

Free

Developer: Social Intelligence

Released: Mar 10, 2011

Version: 2.0.0

Size: 8.9 MB

Compatible: iPhone

Rating: 4.1

Category: Utilities

Age: 4+

Requirements: Requires iOS 4.0 or later

Device: iPhone (iPod touch)

What's New: iCall 2.0.0

#### Customer Ratings

Developer's Choice

What's New

What's New

What's New

What's New

#### Description

Between New York and London, iCall is used by over 6,000,000 people worldwide. iCall is changing the way people around the globe communicate.

[iCall Free VoIP Support](#)

[...More](#)

#### What's New in Version 2.0.0

• New features

• New features

• New features

#### iPhone Screenshots



#### Customer Reviews

It's what everyone's talking about \*\*\*\*\*

by [redacted]

It's the best app out there.

Would be easier to review if it worked?! \*

by [redacted]

What's New

Developer's Choice

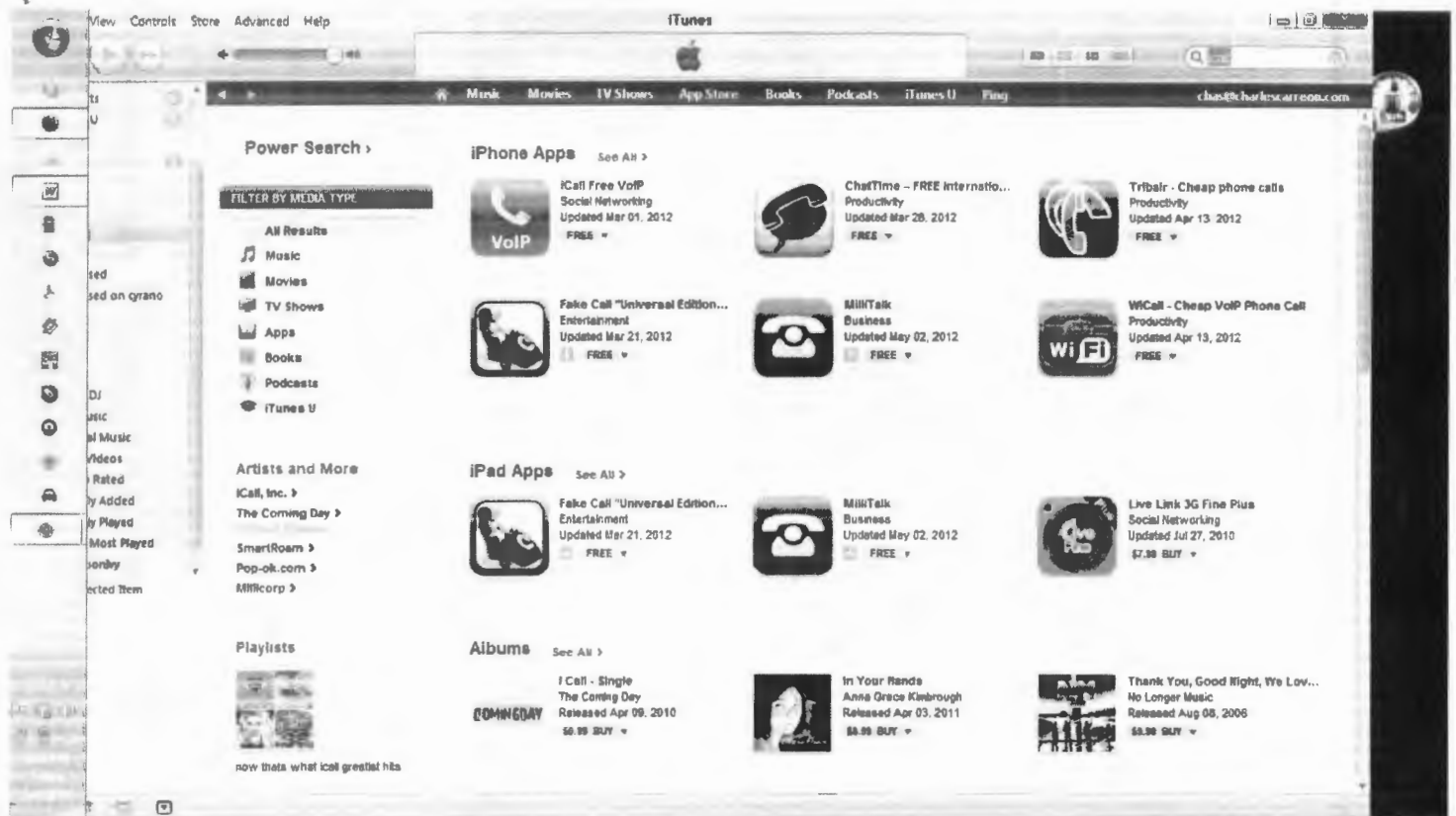
What's New

What's New



# Exhibit 6







# Exhibit 7

Google

wicall android



chescarre

0



Search

Everything

Images

Maps

Videos

News

Shopping

Applications

More

Tucson, AZ

Change location

Show search tools

**WiCall : VoIP call, wifi call - Android Apps on Google Play**<https://play.google.com/store/apps/details?id=com.wicall&hl=en>

Mar 29, 2012 Make cheap calls using your wifi / 3G. Cheaper than Skype out, better than Viber "The cheapest VOIP service on the Android Market" Incredibly ...

**WiCall : VoIP call, wifi call - Android app on AppBrain**[www.appbrain.com](http://www.appbrain.com) > All apps > Communication

★★★★★ Rating 4.2 1779 votes

**WiCall : VoIP call, wifi call: Android app (★★★★★, >250000 downloads) ⇒ "The cheapest VOIP service on the Android Market" Incredibly cheap...****WiCall : VoIP call, wifi call for Android - Download.com**[download.cnet.com/WiCall-VoIP-/3000-10440\\_4-75614034.html](http://download.cnet.com/WiCall-VoIP-/3000-10440_4-75614034.html)

Nov 23, 2011 - The cheapest VOIP service on the Android Market! Incredibly cheap mobile calls, you won't believe our rates for your long distance or ...

**Wicall rates - Best Android Apps: WiCall, VoIP calls with | Best ...**[bestandroidappsfree.com/](http://bestandroidappsfree.com/) /best-android-apps-wicall-voip-calls-with/Oct 1, 2011 Best Android Apps: **WiCall** for Android, VoIP calls, the use of VoIP has never been so easy, as long distance cards and Skype already hate us.**WiCall: Wifi Calling on Android - YouTube**[www.youtube.com/watch?v=JhX2-njn\\_O4](http://www.youtube.com/watch?v=JhX2-njn_O4)

Nov 10, 2011 48 sec Uploaded by zenilabs

Upgrade to the latest Flash Player for improved playback performance. Upgrade now or more info. 195 views ...

More videos for **wicall android** »**Wifi Voiper WiCall for Android : Free trial credit - FREEvCALLS**[freevcalls.blogspot.com/](http://freevcalls.blogspot.com/) /wifi-voiper-wicall-for-android-free.htmlOct 24, 2011 Zenitalk.com has below applications available in **Android** market -. Wifi Voiper for **Android**; **WiCall** for **Android**; Call Africa for **Android**, Call ...**WiCall : VoIP call, wifi call - Free Download for Android**[sobetilapeloncete2bazaarandroid.com/wicall/](http://sobetilapeloncete2bazaarandroid.com/wicall/)

★★★★★ Rating 5 - 1 vote

**android.permission.INTERNET** Allows applications to open network sockets.**android.permission.RECORD\_AUDIO** Allows an application to record audio.**Amazon.com: WiCall : VoIP call, wifi call: Appstore for Android**[www.amazon.com/WiCall-VoIP-call-wifi/dp/B006GIBPKE](http://www.amazon.com/WiCall-VoIP-call-wifi/dp/B006GIBPKE)

References to alcohol, tobacco and drugs • Simulated gambling or references to casinos and gambling culture • Partial or brief nudity in a non-sexual context ...

**WiCall : call over wifi 11 free download for 1.5 and up**[www.freeweb.net/android/wicall-call-over-wifi-11/144710.htm](http://www.freeweb.net/android/wicall-call-over-wifi-11/144710.htm)Sep 27, 2011 **WiCall : call over wifi 11 free download**, download **WiCall : call over wifi 11 Android** app for free within one single click. We only collect free ...**Wicall Android Android Apps & Games | DroidMill**[droidmill.com/tag/wicall+android](http://droidmill.com/tag/wicall+android)10+ items Facebook for **Android**, Tagged **Android** App, Official eBay ...Facebook for **Android** 100000000-500000000 3 6 (2792302) Share and ...**WiCall : VoIP call, wifi call** 100000-500000 4 2 (2027) Make cheap ..

Ad - Why this ad?

**Verizon Wireless**[www.verizonwireless.com/](http://www.verizonwireless.com/)Find Exclusive Deals on the Latest **Droid** Devices at the Official Site!

192 people + 1'd Verizon Wireless

+ [Show map of 7350 N La Cholla Blvd, Tucson and nearby locations](#)

Goooooooooooooogle &gt;

1 2 3 4 5 6 7 8 9 10

Next

Advanced search Search Help Give us feedback

Google Home Advertising Programs Business Solutions Privacy &amp; Terms About Google

+Charles Search Images Maps Play YouTube News Gmail Documents Calendar More

Google wicall app Charles Carreon + Share

Search

Everything  
Images  
Maps  
Videos  
News  
Shopping  
Applications  
More

Tucson, AZ  
Change location

Show search tools

**WiCall : VoIP call, wifi call - Android Apps on Google Play**  

<https://play.google.com/store/apps/details?id=com.wicall>  
 ★★★★★ 758 votes - Free - Android  
 Mar 29, 2012 - Make cheap calls using your wifi / 3G. Cheaper than Skype out, better than Viber. "The cheapest VOIP service on the Android Market" Incredibly ...

**WiCall : VoIP call, wifi call - Android app on AppBrain**  
[www.appbrain.com](http://www.appbrain.com) All apps Communication  
 ★★★★★ 2 715 votes - Free - Android - Communication  
**WiCall** : VoIP call, wifi call - Android app (★★★★½, >250000 downloads) ⇒ "The cheapest VOIP service on the Android Market" Incredibly ...

**WiCall - Cheap VoIP Phone Call for iPhone 3GS, iPhone 4, iPhone ...**  
[itunes.apple.com/us/app/wicall-cheap-voip-phone-call/id489885695?](http://itunes.apple.com/us/app/wicall-cheap-voip-phone-call/id489885695?)  
 ★★★★★ 26 votes - Free  
 Apr 13, 2012 - To download the free app **WiCall** - Cheap VoIP Phone Call by Tribair ... **WiCall** is simply the easiest and cleanest application to make cheap ...

**free wicall app - free android and iphone app along with software ...**  
[www.freemove.net/search/?k=free+wicall+app](http://www.freemove.net/search/?k=free+wicall+app)  
 15+ items - Download free **wicall app** free android and iphone apps along ...  
**WiCall** - call over wifi 9 Save on ...  
 Racing Penguin, Flying Free - by Top Free Games - Best Apps 2.0 Racing ...

**WiCall : VoIP call, wifi call - Android Apps and Tests - AndroidPIT**  
[www.androidpit.com](http://www.androidpit.com) All Android Apps Communication  
 The cheapest VOIP service on the Android Market" Incredibly cheap mobile calls, you won't believe our rates for your long distance or international calls.

**WiCall - Cheap VoIP Phone Call - iOS app from Tribair Inc ...**  
[www.appolicious.com/apps/1023281-wicall-cheap-voip-phone-call](http://www.appolicious.com/apps/1023281-wicall-cheap-voip-phone-call)  
 Apr 13, 2012 - Ratings and reviews for **WiCall** - Cheap VoIP Phone Call

**WiCall : VoIP call, wifi call - Download.com**  
[download.cnet.com/WiCall-VoIP-/3000-10440\\_4-75814034.html](http://download.cnet.com/WiCall-VoIP-/3000-10440_4-75814034.html)  
 Free - Android - Communication  
 Nov 23, 2011 - **WiCall** is a prepaid mobile wireless telephone service with no plan, ...  
 Rate extract (other rates can be check in the RATE's tab in the app) in US ...

**App Shopper: WiCall - Cheap VoIP Phone Call (Productivity)**  
[appshopper.com/productivity/wicall-cheap-voip-phone-call](http://appshopper.com/productivity/wicall-cheap-voip-phone-call)  
**WiCall** - Cheap VoIP Phone Call. iOS iPhone. **WiCall** is simply the easiest and cleanest application to make cheap internet phone calls all over the world. **WiCall** ...

**WiCall - Cheap VoIP Phone Call - Details | App Annie**  
[www.appannie.com/wicall-cheap-voip-phone-call](http://www.appannie.com/wicall-cheap-voip-phone-call)  
 Jan 3, 2012 - **WiCall** is simply the easiest and cleanest application to make cheap internet phone calls all over the world. **WiCall** has reached 1 million users ...

**WiCall - Cheap VoIP Phone Call Productivity iPhone App - Online ...**  
[www.topproductivityapps.com/wicall-cheap-voip-phone-call-product](http://www.topproductivityapps.com/wicall-cheap-voip-phone-call-product)  
 Jan 3, 2012 - TopProductivityApps.com gives **WiCall** - Cheap VoIP Phone Call iPhone & **WiCall** - Cheap VoIP Phone Call iPod Touch Productivity App ...

Ad related to wicall app Why this ad?

**Apps on Google Play**  
[play.google.com/](http://play.google.com/)  
 Browse and install Android apps from your phone, tablet or the web  
 1 706 people + 1'd this page  
 Apps & Games - Music - Books - Movies

**Searches related to wicall app**  
[wicall app iphone](#)  
[wicall app review](#)

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 1 2 3 4 5 6 7 8 9 10 Next

Advanced search Search Help Give us feedback



+Charles Search Images Maps Play YouTube News Gmail Documents Calendar More

Google wicall app Charles Carreon 0 + Share

Search

Everything Images Maps Videos News Shopping Applications More

Tucson, AZ Change location Show search tools

Ad related to wicall app Why this ad?

**App Store: Download Apps | apple.com**  
[www.apple.com/apps](http://www.apple.com/apps)  
 With hundreds of thousands of **apps**, There's an **app** for almost anything.  
 The Mac App Store - Over 200,000 **apps** for iPad - **Apps** for iPhone

**Wifi Voiper WiCall for Android : Free trial credit - FREEvCALLS**  
[freevcalls.blogspot.com/](http://freevcalls.blogspot.com/) /wifi-voiper-wicall-for-android-free.html  
 Oct 24 2011 - How to get Zenitalk **App** and free trial credit - Goto Android Market:  
 Search for required **application** (Wifi Voiper, **WiCall**, Call Africa, Call Arabia, ...

**WiCall - Cheap VoIP Phone Call - Iphone Ipad ... - Phone Apps**  
[www.phoneapps.com/ios/us/wicall-cheap-voip-phone-call.html](http://www.phoneapps.com/ios/us/wicall-cheap-voip-phone-call.html)  
 Jan 3 2012 - **WiCall** is simply the easiest and cleanest **application** to make cheap internet phone calls all over the world. **WiCall** has reached 1 million users ...

**WiCall - Cheap VoIP Phone Call for iPhone - App Info & Stats ...**  
[www.iosnooks.com/appinfo/wicall-cheap-voip-phone/](http://www.iosnooks.com/appinfo/wicall-cheap-voip-phone/) /489885695  
 Jan 3 2012 - **WiCall** - Cheap VoIP Phone Call by Tribair. **WiCall** is simply the easiest and cleanest **application** to make cheap internet phone calls all over ...

**WiCall - Cheap VoIP Phone Call - 10 Killer Apps, Productivity**  
[10killersapps.com/us/app/id/489885695/com/tribair/wicall](http://10killersapps.com/us/app/id/489885695/com/tribair/wicall)  
 price: \$0.00, version: 1.5.1, category: Productivity, seller: Tribair Inc, size: 4.8 MB

**WiCall : VoIP call, wifi call - Free Download for Android**  
[sobetillapeloncete2.bazaarandroid.com/app/wicall/](http://sobetillapeloncete2.bazaarandroid.com/app/wicall/)  
 ★★★★★ Rating: 5 1 vote  
 This store does not have an associated Twitter account. New **apps** will not be tweeted. User Stores. + Click to Expand. Loading... **WiCall** VoIP call, wifi call - 33 ...

**WiCall - Mobile - Brothersoft.com**  
 [mobile.brothersoft.com/wicall-call-over-wifi-1104](http://mobile.brothersoft.com/wicall-call-over-wifi-1104)  
 Free - Android  
 Sep 29 2011 - **WiCall** is based on CSipSimple and is licensed under GNU GPL v3. More information in the **app** content rating: Everyone  
 Compatible devices: ...

**WiCall : call over wifi 11 free download for 1.5 and up**  
[www.freenew.net/android/wicall-call-over-wifi-11/144710.htm](http://www.freenew.net/android/wicall-call-over-wifi-11/144710.htm)  
 27 2011 **WiCall** . call over wifi 11 free download, download **WiCall** . call over wifi 11 Android **app** for free within one single click. We only collect free ...

**WiCall - Cheap VoIP Phone Call - mobile9**  
[gallery.mobile9.com/asf?uid=i0thpvyLbxt](http://gallery.mobile9.com/asf?uid=i0thpvyLbxt)  
 Jan 9 2012 - **WiCall** - Cheap VoIP Phone Call. Developed by Tribair. Imported by mobile9 empty star FREE. Download On **App** Store. Add to Favourite ...

**WiCall : VoIP call, wifi call - Discover Android Apps**  
[www.discoverapp.net/view\\_app-com-wicall.html](http://www.discoverapp.net/view_app-com-wicall.html)  
 Mar 5 2012 - **WiCall** is a prepaid mobile wireless telephone service with no plan, ...  
 Rate extract (other rates can be check in the RATE's tab in the **app**) in US ...

**WiCall - Cheap VoIP Phone Call App Rank Graphs -- TopAppCharts ...**  
[www.topappcharts.com/app-details-wicall-cheap-voip-phone-call](http://www.topappcharts.com/app-details-wicall-cheap-voip-phone-call)  
**WiCall** - Cheap VoIP Phone Call Graphs of **App** Ranking -- TopAppCharts.com.

Ad related to wicall app Why this ad?

**Apps on Google Play**  
[play.google.com/](http://play.google.com/)  
 Browse and install Android **apps** from your phone, tablet or the web  
 1,706 people +1'd this page  
 Apps & Games - Music - Books - Movies

Searches related to wicall app  
[wicall app iphone](#)  
[wicall app review](#)

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[www.osspace.net/apps/application/21436-wicall-cheap-voip-pho](http://www.osspace.net/apps/application/21436-wicall-cheap-voip-pho)  
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# Exhibit 8

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 85574570

Filing Date: 03/20/2012

**NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.**

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
<b>*MARK</b>	<u>WiCall</u>
<b>*STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>LITERAL ELEMENT</b>	WiCall
<b>*MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
<b>*OWNER OF MARK</b>	Tribair Inc.
<b>*STREET</b>	1343 rue des pluviers
<b>*CITY</b>	Longueuil, Quebec
<b>*COUNTRY</b>	Canada
<b>*ZIP/POSTAL CODE</b> (Required for U.S. applicants only)	J4G2N4
<b>PHONE</b>	1 (514) 501-0705
<b>EMAIL ADDRESS</b>	eric@tribair.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes



# WiCall

Longueuil, Quebec J4G2N4, Canada  
1 (514) 501-0705(phone)  
eric@tribair.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

#### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Eric Reiher/ Date Signed: 03/20/2012  
Signatory's Name: Eric Reiher  
Signatory's Position: CEO

RAM Sale Number: 1736  
RAM Accounting Date: 03/21/2012

Serial Number: 85574570  
Internet Transmission Date: Tue Mar 20 15:12:54 EDT 2012  
TEAS Stamp: USPTO/FTK-173.177.42.169-201203201512547  
44058-85574570-4901e84376a08c10ae5aa764e  
d10c29df0-CC-1736-20120320143213076500

<b>WEBSITE ADDRESS</b>	www.tribair.com
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	CORPORATION
<b>* STATE/COUNTRY OF INCORPORATION</b>	Canada
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	038
<b>IDENTIFICATION</b>	Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Telecommunication services, namely, wireless telephone services
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 01/03/2012
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 01/03/2012
<b>SPECIMEN FILE NAME(S)</b>	<u>\\TICRS\EXPORT11\IMAGEOUT 11\855\745\85574570\xml1\ FTK0003.JPG</u>
<b>SPECIMEN DESCRIPTION</b>	"WiCall" with capital W and C
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>*TRANSLATION (if applicable)</b>	
<b>*TRANSLITERATION (if applicable)</b>	
<b>*CLAIMED PRIOR REGISTRATION (if applicable)</b>	
<b>*CONSENT (NAME/ LIKENESS) (if applicable)</b>	
<b>*CONCURRENT USE CLAIM (if applicable)</b>	
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Tribair Inc.
<b>FIRM NAME</b>	Tribair Inc.
<b>*STREET</b>	1343 rue des pluviers
<b>*CITY</b>	Longueuil, Quebec
<b>*COUNTRY</b>	Canada

**Trademark/Service Mark Application, Principal Register**

**TEAS Plus Application**

**Serial Number: 85574570**

**Filing Date: 03/20/2012**

**To the Commissioner for Trademarks:**

**MARK:** WiCall (Standard Characters, see mark)

The literal element of the mark consists of WiCall.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Tribair Inc., a corporation of Canada, having an address of  
1343 rue des pluviers  
Longueuil, Quebec J4G2N4  
Canada

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 038: Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Telecommunication services, namely, wireless telephone services

In International Class 038, the mark was first used by the applicant or the applicant's related company or licensee at least as early as 01/03/2012, and first used in commerce at least as early as 01/03/2012, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) "WiCall" with capital W and C.

Specimen File 1

For informational purposes only, applicant's website address is: [www.tribair.com](http://www.tribair.com)

The applicant's current Correspondence Information:

Tribair Inc.

Tribair Inc.

1343 rue des pluviers

<b>*ZIP/POSTAL CODE</b>	J4G2N4
<b>PHONE</b>	1 (514) 501-0705
<b>*EMAIL ADDRESS</b>	eric@tribair.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/Eric Reiher/
<b>* SIGNATORY'S NAME</b>	Eric Reiher
<b>* SIGNATORY'S POSITION</b>	CEO
<b>SIGNATORY'S PHONE NUMBER</b>	1 (514) 501-0705
<b>* DATE SIGNED</b>	03/20/2012

**Wicall**